

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AMY RUTH DIETRICH DEBTOR	BANKRUPTCY NO. 17-13136 CHAPTER NO. 13
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**NOTICE OF HEARING ON DEBTOR'S MOTION PURSUANT TO
BANKRUPTCY CODE SECTION 363 FOR AUTHORITY TO SELL
REAL ESTATE LOCATED AT 432 PRESTON ROAD, WERNERSVILLE
19565, BERKS COUNTY, PENNSYLVANIA FREE AND CLEAR OF
LIENS AND ENCUMBRANCES AND TO PERMIT DISTRIBUTION OF
SALE PROCEEDS**

NOTICE IS HEREBY GIVEN THAT the Debtors have filed the above-captioned motion ("Motion") seeking authority to sell, Real Estate located at 432 Preston Road, Wernersville 19565, Berks County, Pennsylvania Free and clear of liens and encumbrances, and to Permit Distribution of Sale Proceeds pursuant to Section 363 of the Bankruptcy Code and for distribution of sale proceeds.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult an attorney.

If you do not want the Court to approve the Motion, or if you want the court to consider your views, then not later than **February 7, 2018** you or your attorney must do all of the following:

A. File written objection explaining your position with the Clerk of the Bankruptcy Court at the following address:

Bankruptcy Clerk United States Bankruptcy Court
Eastern District of Pennsylvania
Suite 300 The Madison Building
400 Washington Street
Reading, PA 19601

If you mail your objection to the Clerk's Office, you must mail it early enough so that it will be received on or before the date stated above; and

B. Cause a true and correct copy of your objection to be delivered to the Debtor's attorney, by hand delivery, overnight courier or facsimile transmission, at the address and/or facsimile number indicated below:

Lau & Associates P.C.

Shawn J. Lau, Esquire
4228 St. Lawrence Avenue
Reading, PA 19606
Fax: 610-370-0700

1. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the Court may enter an order granting relief request in the Motion.
2. A hearing will be held before The Honorable Richard E. Fehling, United States Bankruptcy Judge on **Thursday, February 15, 2018 @9:30 a.m.** in the Madison Building, 400 Washington Street, Reading, PA 19601, to consider and rule upon the Motion and the sale transaction described therein.
3. The terms and conditions of the proposed sale of Real Estate located at 432 Preston Road, Wernersville 19565, Berks County, Pennsylvania are as follows:
 - a. The sale price is \$167,500.00 with a deposit of \$2,000.00 due at signing of the agreement to be paid by the buyer, Kathy J. Messner.
 - b. The mortgage contingency is waived and this is an all cash offer. Proof of funds has been provided and is confirmed.
 - c. All parties agree that this is an as-is sale and inspections are for informational purposes only.
 - d. The Settlement date is March 15, 2018 or before if Buyer and Seller agree.
 - e. Distribution is to be as follows and this order of distribution:
 1. All real estate taxes and other obligations owed by the Movant that are a lien on the Premises pursuant to the law of the Commonwealth of Pennsylvania or any of its political subdivisions or agencies.
 2. The usual and customary costs of settlement paid by seller pertaining to the transfer of real estate in Berks County, Pennsylvania, including but not limited the realty transfer tax, if any.
 3. The Broker's commission of 6.0% of the Sale Price AND \$495.00, or as otherwise determined by the Court.
 4. The first mortgage holder, Chase Home Finance, will be paid in

full out of the proceeds of the sale pursuant to a valid pay-off quote at the time of closing.

5. The second mortgage holder, M&T Bank, will be paid in full out of the proceeds of the sale pursuant to a valid pay-off quote at the time of closing.
 6. The Secured Judgment Lien holder (Docket #15-13519), Absolute Resolutions VI, LLC, will be paid in full out of the proceeds of the sale pursuant to a valid pay-off quote at the time of closing.
 7. The amount of \$1,500.00 to be held by the title agency to pay Debtors' Counsel legal fees subject to Bankruptcy Court Approval.
 8. The Debtor, Amy Ruth Dietrich, pursuant to exemption d(1) which is \$20,000.00. However, it is estimated that the net proceeds to seller will be \$15,800.63.
 9. Any Chapter 13 Trustees commissions due and owing;
 10. Any remaining amount to be distributed according to the bankruptcy order of distribution believed by the Debtor to be any general unsecured claims pro rata.
- f. Debtor's counsel hereby certifies that all secured creditors have either consented or are being paid in full from the sale.

Copies of the Motion and proposed Order are on file and may be examined in the office of the Bankruptcy Clerk, suite 300, The Madison Building, 400 Washington Street, Reading, PA 19601, or may be obtained upon written request to counsel for the Debtors, whose name and address appear above.

The hearing may be adjourned or continued from time to time by announcement made in open Court without further written notice to creditors or parties in interest. You may contact the Bankruptcy Clerk's Office at 610-208-5040 to find out whether the hearing has been adjourned or continued.

Dated: January 23, 2018

By: /s/Shawn J. Lau
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